

rec'd 6/7/19 E-G



Charge of Discrimination

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Organization contact information successfully updated and confirmed.

Your Organization: **CITY OF CHICAGO**

Your EEOC contact is : Janel Smith , janel.smith@eoc.gov

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Required

Please provide a statement of your position on the issues covered in the charge, with any supporting documentation by July 07, 2019. For guidance on how to best prepare your Position Statement, please review Effective Position Statements, as EEOC has revised its procedures related to the content and release of position statements, effective January 1, 2016.

You may be notified at a later date to respond to a Request for Information

Charge: 440-2019-04967

The charge of employment discrimination that has been filed against your organization by **Glenn Williams**, Charge No. **440-2019-04967** is available for you to view. [Please click here to open and view a copy of the charge.](#)

Statutes and circumstances of alleged discrimination:

- The Genetic Information Nondiscrimination Act (GINA)
 - Genetic Information
 - Retaliation

Contacts ¹

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Eileen Geary (Primary)

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Notice of Charge
(Notice of Charge)

Jun 7, 2019

440201904967williams.pdf
(Charge of Discrimination)

Jun 7, 2019

EEOC Form 3 (11/05)

CLASS CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Prescribed by:

☐ FEPA
☒ EEOC
by Glenn Williams INDIVIDUALLY ANDON BEHALF OF ALL THOSE SIMILARLY SITUATED

and EEOC

Name (indicate Mr., Ms., Mrs.)

Glenn Williams

by COUNSEL:
ROBERT A. HOLSTEIN
ALLISON MUTH * SEE ATTACHED
Schedule

Home Phone (incl. Area Code)

773-552-9134

Date of Birth

03/09/1963

Street Address

5318 south Damen Chicago IL 60609

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me ~~and~~ Others. (If more than two, list under PARTICULARS below.) * SEE ATTACHED Schedule

Name of Chicago individually and as a representative class respectfully on behalf of all union locals and legal bargaining representative for the employees of Chicago and Raham Emanuel and Edman Burke as trustees and as the principal officers of the City of Chicago during this relevant period of time

No. Employees, Members

30,000 -
35,000

Phone No. (include Area Code)

Street Address

City, State and ZIP Code

321 N La Salle St. Chicago IL 60602

Name

No. Employees, Members

Phone No. (include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate boxes):

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☒ GENETIC INFORMATION
☒ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: JANUARY 1, 2011 Latest: ON
GOING TO PRESENT☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

CHICAGO LIVES HEALTHY WELLNESS PROGRAM
* SEE ATTACHED SCHEDULE AS TO CHARGING FACTS
AND EXHIBITS

RECEIVED EEOC

MAY 23 2019

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any, will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Glenn Williams

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
Month Day, Year

05/02/19

Date

Charging Party Signature

05/02/2019

 EUNICE JOHNSON
 Notary Public - State of Illinois
 My Commission Expires 12/31/2021

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**GLENN WILLIAMS,
Individually and on behalf
of all others similarly situated,**

Petitioner,

vs.

RECEIVED EEOC

MAY 23 2019

**CITY OF CHICAGO, individually
and as class representative certain
similarly situated and all Union Locals
and members of the Joint Labor Management
Cooperation Committee on Health Care,
Rahm Emanuel, Edward Burke and
Joseph Ferguson, in their official capacity,**

CHICAGO DISTRICT OFFICE

Respondents.

SCHEDULE OF FACTS, CHARGES, AND RESPONDENTS AND REQUESTED RELIEF

1. In 2007-2008 the City of Chicago with the assent and cooperation of all of the *union locals and legal entities representing all non-union employees of the City of Chicago* for Collective Bargaining purposes agreed to a "side letter" to the joint Collective Bargaining agreement between the City and all of its employees. The "side letter" was not generally published by the various Union Local's membership or the City's non-Union employees. For example, Mr Glenn Williams, at all times herein a member in good standing of Teamsters Local 700, received from his Local a printed booklet comprising the collectively bargained agreement dated July 1, 2007 through June 30 2017. The index of the booklet refers to a "side letter" in the Appendix on page 134. There is no page 134. He never received one. Nor did the other City employees of Teamsters 700. Moreover, the Petitioner believes that no other City of Chicago

Employee did so either. Perhaps the exception being the Fiduciaries who actually participated in that Collective Bargaining process at the time (2007-2008). The "side letter" surfaced 10 years later in the Collective Bargaining Local 700 Booklet which is effective July 1, 2017 through June 30, 2022, at page 113. See Exhibits 1, 2, 6, 9.

2. This scenario skips to the year Rahm Emanuel was elected Mayor in 2011. He had previously campaigned on the promise to cut 20 million dollars from the City's Health Insurance Plan ("Plan"). Armed with the "side letter" of the 2007-2008 Collective Bargaining Agreement the City initiated the "Chicago Lives Healthy Wellness Program" ("WP"). The "Wellness Program" ("WP"), it is charged herein, is discriminatory and illegal for numerous reasons. One, it is mandatory in that its membership, all City of Chicago employees and their adult dependents who are beneficiaries and insured for Health insurance via the City's Health Care (Plan) are driven to join by threats of retaliation reinforced by closely monitored monetary penalties collected by deduction from the employee's paycheck. See Exhibits 12, 13, 14, 15, 17, 18, 20, 21, 26, 28, 29, 30, 31, 34. Second, the City's WP illegally imposes "Biometric Screening" testing procedures on all of its members. Again retaliation is threatened and penalties are imposed upon those employees or their adult dependents who choose not participate in such procedures. The threatened and enforced retaliation is the same as it is for not enrolling in the Chicago Lives Healthy WP. The penalty for all employees and their spouses and or adult dependents who are covered by the City's Employee Health Insurance Program is \$ 50.00 per month per adult covered medical program adult beneficiary. The penalty, \$25.00, is deducted from the employees bi-weekly paychecks. The WP "penalty" is assessed against every Health Care Plan (Insurance Covered) Employee who either themselves or his or her

spouse/dependent does not join the WP or who does not participate in the WP's required procedures. In either case the Employee sponsor will be penalized and caused to have \$25.00 deducted from his/her bi-weekly paycheck for the rest of that year. Second, the WP illegally imposes "Biometric Screening" procedures on all its members who do not go through Biometric Screening and or tests. Again retaliation is threatened and the same penalty is imposed on the Employee and the recalcitrant must pay or have his/her Health Plan sponsor pay the penalty in the same amount and method. The third Federal Civil Rights violation of the WP is the City's insistence that every WP member employee also submit to Genetic Testing. This too is policed by threatened and enforced retaliation by the imposition of a penalty of a \$25.00 per employee by deduction from each bi-weekly paycheck. Refer to Exhibits 12, 13, 14, 15, 17, 18, 20, 21, 26, 28, 29, 30, 31, 34.

3. Petitioner's discrimination includes charges against:

A) All of the participating Union locals and their responsible officers and trustees as well as against the legal entities or organizations that represented the non-unionized City Employees during the Collective Bargaining negotiations of the 2007-2008 and 2017-2018 Joint Collective Bargaining sessions that in 2007-2008 led to the Joint Labor Management Cooperation Committee, aka the "LMCC". See Exhibit 4.

B) The current outgoing Mayor of Chicago, Rahm Emanuel, personally and in his capacity as Mayor of the City of Chicago and Mr. Edward Burke as chairman of the City's Finance Committee throughout the relevant period are charged as co-conspirators/agents of the City in the ongoing violations of the Civil Rights the City's employees as that they both

- Exh. 21 Chicago Benefits Office Annual Open Enrollment 2019, Health Plan and Wellness Program
- Exh. 22 Letter of Complaint by Petitioner believed to be sent by Glenn Williams to City Benefit Office, Dept. of Finance and Teamsters Local 700 with Appeal Form in December of 2014
- Exh. 23 Letter of Complaint by Petitioner, Glenn Williams, to City Benefits Office, Department of Finance and Teamsters Local 700 with Appeals Form on 12/22/16
- Exh. 24 Letter To Whom It May Concern by Glenn Williams, Petitioner dated April 12, 2019
- Exh. 25 Selective Pages from Agreement and Declaration of Trust from Joint Collective Bargaining Agreement of 2007-2008 submitted by Petitioner in Support of his letters of complaint and appeals of Wellness Program
- Exh. 26 List of all Union Locals Represented in City of Chicago Employment including names of current responsible officers and trustees
-
- Exh. 27 1/7/19 letter to Petitioner from City Department of Finance
- Re: Wellness Program requirements including newly created required test under threat of monetary penalty, the "Real Age" Test
- Exh. 28 Teamster Local 700 email to Petitioner dated April 29, 2019 reminding him of "mandatory" City of Chicago "Real Age Test" with threat of \$50.00 per month penalty
- Exh. 29 Letter to Petitioner dated February 1, 2019 from City Department of Finance reminding of Biometric Screening tests, and \$50.00 per non-participant "increase" in his/her monthly healthcare contributions
- Exh. 30 Letter to Petitioner from City Dept. of Finance dated 2/15/19 Re: March 29,2019 Deadline for taking of "Real Age Test" or suffer "\$50.00 per non-participant increase in non-participant increase in monthly health care contributions for each individual who does not complete the "Real Age Test"
- Exh. 31 Department of Finance letter to Petitioner Re Right to Appeal "not completed" "Biometric Screening" tests
- Exh. 32 2019 Appeal Form for Wellness Program
- Exh. 33 2018 Appeal Form for Wellness Program
- Exh. 34 City of Chicago Announcement for 2019 that there will be "two paths" for Wellness Program following completion of the "Real Age" Test
- Exh. 35 Wellness Program for 2017

have been the dominant City of Chicago Administrators throughout the relevant period of its discriminatory illegalities at issue herein.

C) Most recently, as of 2019, another entity has apparently been retained by the City to assist in the planning and management of its recently enacted additional invasion into the Civil Rights of the City of Chicago's employees and family members, CLHSharecare.com. This entity appears to be spearheading the City's most recent attack on its employees' privacy of each individuals' health information in partnership with omnipotent acting Finance Department. The City's charge into a new form of privacy invasion, "The Real Age Test" as referred to by the Finance Department as available to schedule the test by calling 1-866-556-7671. This entity is to be included as a co-third party respondent. In a letter to all City employees from the Finance Department the a new device called the "Real Age Test" was introduced as another intrusive personal abuse to every citizens privacy. It too is is required as an additional testing procedure that is not voluntary but rather is required of all WP participants pursuant to the threat of retaliation by the same monetary penalties as the requirements of Biometric Screening/testing and Genetic determinations enforced by the imposition of the of the same penalty as has been used since the WP was first imposed on the employees in 2011, bi-weekly monetary fines. See Exhibits 27 and 28.

4. Mr. Williams alleges that there are other parties who while acting either independently or together with the City are also responsible for the City's wrongful conduct. Petitioner charges American Healthways Services LLC, an entity registered in Hawaii and Delaware which is believed to have participated in the establishment and/or "management" of the Chicago Lives Healthy Wellness Program. Although Petitioner and his counsel's efforts to

determine what if any role that entity or its successor in name has played have been considerable the questions who, what, why, when and how much remain unknown. What is known is what is available from the Secretaries of States offices in Hawaii and Delaware that consist of registrations in 2007 and a subsequent name change in 2008. Apparently there are persons within the City's senior administrators who know much more. See Exhibits 16.

5. An article that appeared in the Chicago Sun Times on August 8, 2015 refers to a Report by Mayor Emanuel's appointed Inspector General as "noting that cash-strapped Chicago is paying American Healthways Services LLC 3 million a year, \$10.5 million through December 31-to administer the program." See Exhibit 18. Although the Inspector General had negative opinions as to the effectiveness of the WP, his office failed to pursue the apparent Civil Rights violations or other violations of law on behalf of his reference to "33,554 full-time equivalent employees" and their dependents and the millions of other citizens of the City as of 2015.

6. The Office of the Inspector General, the so-called OIG of the City of Chicago has never taken action or appears to have considered the Civil Rights of the City's many employees and their dependents. This, even though the article further states that:

A) "The Report..... that WP membership is involuntary The threat of a \$50.00 surcharge in monthly health insurance premiums".... (not the way it appears to have been applied or accounted for until 2019).. "was enough to persuade 85 % of eligible city employees and their dependents to sign up for the wellness program. The City has so far collected \$1.9 million in "non-participation" fees Ferguson's report said". See Exhibit 18.

B) Petitioner charges the The City of Chicago's Office of the Inspector General together with its principal officer, the Inspector General, during the relevant time period, Mr Joseph Ferguson, in his official and in his individual professional capacity as an additional third-party to the charges of discrimination herein and for the resulting damages. See Exhibit 18.

7. Mr. Glenn Williams, in three separate letters of complaint and Appeals submitted to his Union local and to the City's Finance Committee he believes in 2012, 2014 and 2016 while acting on his own behalf and on for all other affected City employees complained about the illegalities of the .WP. He sent "appeal forms" and complaint letters to the Chicago Benefits Office, the City's Finance Department and to the officers of own Teamster Local 700. His union officers answered that they knew nothing about had occurred during the negotiations in 2007 since all of its officers were subsequently replaced. The City never responded. However during the period of 2012 through June 2017 while his complaints and Appeals were being sent Mr. Williams was never charged a penalty until July of 2017. Arguably this constitutes evidence of an admission. Apparently, the City began deducting \$25.00 from each of his bi-weekly paychecks finally because the Petitioner believes the City finally realized that the complaint letters being received from numerous other employees were being generated by Mr. Williams. When word spread that he was not being penalized. Then he was asked by numerous employees who felt the same way about the WP for copies of his letters. He believes the copies of the letters he gave away were being altered as to the employees' ID and sent to the same places he had sent his to. The result was that a number of other of his employee friends had their penalty deductions stopped as well. Eventually the City realized the common source and resumed its billing to him and his friends. See Exhibits 22, 23, 24.

8. Finally the "side letter" now appears in the in the 2017 Teamsters local 700 Collective Bargaining Agreement of 2017 -2018 at page 113). Petitioner is unaware as to whether the other roughly 35,000 City of Chicago effected employees(plus their dependents)have been furnished the "side- letter" or not. He believes that like himself they have not previously been made aware. This, in spite of the fact that they like Glenn Williams they are owed Fiduciary obligations by all City of Chicago elected and Appointed Supervisory Personnel as well as by the various Union Locals' Administrators, Officers and Trustees and the representatives of the non unionized employees in their negotiations during the Collective Bargaining processes of 2007-2008.

9. Petitioner includes all of his identified complaints listed in his letters within his current Charges he now places before this Commission. He recognizes that some illegal conduct may jurisdictionally overlap with that of other Federal Agencies. For example, finally, as of January 7, 2019 the City now acknowledges that the WP penalty (\$50.00 per month per adult deducted from the paychecks of each City Employee being assessed for his/her dependents employee member's participation of the family covered by the City's Health Care Plan) is openly considered additional premium for the the Health Care Program. This is in clear breach of the Employees' and City's Collective Bargaining Agreements as to the contractually scheduled amounts of each employee's Health Care Plan premium costs as set forth in tables included in the Collective Bargaining Agreements of 2007-2008 and 2017 - 2018 (and is discriminatory as well). See Exhibits 3, 27, 28, 29, 30 attached hereto and included herein.

10. Mr. Williams and his counsel respectfully request this Honorable Federal Commission permit broad discovery into all of the facts surrounding these extraordinary facts

and circumstances or rank disdain for the laws of our Nation. This is especially true given that they all are targeted toward the basics of lives necessities, our Health Care and our Civil Rights.

From a legal, moral and cultural standpoint Petitioners respectfully remind this Commission that all of this conduct falls within the scope of our society's highest of our individual duties to one another- our fiduciary obligations.

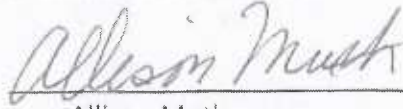
WHEREFORE, Mr. Williams, and his counsel of record individually and on behalf of the class and subclasses they represent respectfully request that this Equal Employment Commission of the United States of America:

- A) Award Petitioner and the class and /or sub-classes he represents such relief as it deems appropriate including the determinations that this case can proceed as both a Petitioners' and Respondents' class action;
- B) That fair and just ordinary and punitive damages be awarded together with injunctive relief, costs, compensation for the representative Petitioner for the many hours he has spent over the years in pursuit of Justice for himself and his fellow employees(and their dependents for Health care);
- C) That reasonable attorneys fees and costs to counsel of record be awarded; and
- D) For such other and further relief as this Honorable Commission may determine to be fair and just as well as instructive to all employers, both Municipal and Private, Labor Unions and their Officers, Trustees, and to all elected and appointed public officials throughout our Great Nation.



Robert A. Holstein

RESPECTFULLY SUBMITTED:



Allison Muth

Attorneys for Petitioner

5/20/19

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